

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LEWIS FRANCOIS, 08A3321,

Plaintiff,

-v-

12-CV-6083P

ORDER

THE STATE OF NEW YORK, et al.,

Defendants.

Plaintiff, Lewis Francois, who is presently incarcerated at the Five Points Correctional Facility, has submitted to the Court a complaint and an affidavit of poverty seeking permission to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

The filing fee for civil actions is presently **\$350.00**. Before this action can proceed the Court must receive a signed Prison Authorization from plaintiff authorizing the institution in which the plaintiff is confined to pay the full **\$350.00** filing fee. In addition, the documentation plaintiff has submitted is inadequate to permit the Court to evaluate the request to proceed in forma pauperis, because plaintiff has neglected to have prison officials complete the required prison certification section of the application form, without which the Court cannot grant the request and put the case forward. Because this section of the application form must be completed and signed by a prison official, plaintiff may have until **April 30, 2012**, to submit a supplementary application which includes a completed prison certification section.

The Clerk of the Court is directed to send to plaintiff a new form application to proceed as a poor person and Prison Authorization.

The plaintiff has until **April 30, 2012**, to either (a) furnish the Court with a signed Prison Authorization authorizing the institution in which the plaintiff is confined to pay the full \$ 350.00 filing fee **and** submit a supplemental application to proceed in forma pauperis with a completed prison certification or (b) pay the full filing fee of \$350.00. If the Court does not receive a signed Prison Authorization and a supplemental application to proceed in forma pauperis with a completed prison certification or the full filing fee of \$ 350.00 on or before such date, **this action will be dismissed without prejudice without further notice** to the plaintiff and, if any part of the filing fee has already been submitted to the Court from the institution, it will be returned to the institution for deposit in the plaintiff's inmate account.

IT IS HEREBY ORDERED, that the Clerk of the Court is to close this case as dismissed without prejudice after **April 30, 2012** if the plaintiff has not provided the Court with a signed Prison Authorization and a supplemental application to proceed in forma pauperis with a completed prison certification or not paid the full filing fee by that date.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA
United States District Judge

Dated: March 23, 2012
Rochester, New York